

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gustry Leshan Sailee,

Plaintiff,

v.

Minnesota Department of Human
Services; AMRTC; State Operated
Services and Facilities; Government
Entities; Mary F. Moriarty, Hennepin
County Attorney Office; Celesta Demars;
Mora Ross; Unknown Defendants, State
Employees; Lori Skibbie, Judge;
Peneholp, Examiner; Brad Cambell, Case
Worker; Mike Hager, Attorney; and
Deandre Willson, Attorney,

Defendants.

**ORDER ON REPORT
AND RECOMMENDATION
AND MOTION TO
APPOINT COUNSEL**
Civil No. 24-4345 ADM/TNL

Gustry Leshan Sailee, pro se.

This matter is before the undersigned United States District Judge for a ruling on Plaintiff Gustry Leshan Sailee's ("Sailee") Objection [Docket No. 7] to Magistrate Judge Tony N. Leung's December 11, 2024 Report and Recommendation [Docket No. 3] ("R&R"). In the R&R, Judge Leung recommends that Sailee's Complaint [Docket No. 1] be dismissed without prejudice because the Complaint fails to state a claim on which relief may be granted, and because the Younger abstention doctrine¹ applies to Sailee's claims attacking the lawfulness of his ongoing civil-commitment proceedings in Minnesota state court.

In reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or

¹ Younger v. Harris, 401 U.S. 37 (1971).

recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); see also D. Minn. L.R. 72.2(b). A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

After conducting a de novo review, and for the reasons stated in the well-reasoned R&R, the Court agrees that dismissal of Sailee’s Complaint is warranted under 28 U.S.C. § 1915(e)(2)(B).

Sailee has also filed a Motion to Appoint Counsel [Docket No. 4]. The Motion is denied because dismissal of Sailee’s claims is proper.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff Gustry Leshan Sailee’s Objection [Docket No. 7] to Magistrate Judge Tony N. Leung’s December 11, 2024 Report and Recommendation is **OVERRULED**;
2. The Report and Recommendation [Docket No. 3] is **ADOPTED**;
3. Plaintiff’s Motion to Appoint Counsel [Docket No. 4] is **DENIED**;
4. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B); and
5. Plaintiff’s application to proceed *in forma pauperis* [Docket No. 2] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: January 17, 2025

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE